



**Hundredth Legislature - First Session - 2007  
Committee Statement  
LB 397**

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**Hearing Date:** February 14, 2007  
**Committee On:** Health and Human Services

**Introducer(s):** (Johnson)  
**Title:** Adopt the In-home Personal Care Services Act

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**Roll Call Vote – Final Committee Action:**

- Advanced to General File
  - Advanced to General File with Amendments
  - X Indefinitely Postponed
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**Vote Results:**

6	Yes	Senator(s): Johnson, Erdman, Hansen, Howard, Pankonin, Stuthman
	No	
	Present, not voting	
1	Absent	Senator Gay

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**Proponents:**  
Senator Johnson  
Kim Robak

**Representing:**  
Introducer  
Eastern Nebraska Chapter of the National Private Duty Association

**Opponents:**  
Terri Holman

**Representing:**  
Nebraska Planning Council on Developmental Disabilities

Helen Meeks

Health and Human Services Regulation & Licensure

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**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:**

LB 397 adopts the In-home Personal Care Services Act (sec. 1). The bill provides declarations of public policy (sec. 2). The purpose of the act is “to provide for the continued self-sufficiency of individuals and better protection of the public health and well-being through the licensing of in-home personal care services agencies.” The bill defines terms (sec. 3)

The bill requires the licensure of in-home personal care services agencies on or after January 1, 2008. The Department of Health and Human Services Regulation and Licensure (department) is required to adopt and promulgate rules and regulations by December 1, 2007 to

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establish standards for the licensure and operation of in-home personal care service agencies under the act (sec. 4)

The bill provides for a licensure application process, licensing fees, and the issuance of a provisional license by the department (sec. 5-6).

The bill provides grounds upon which the department may deny an application for a license as an in-home personal care services agency (sec. 7). The bill permits the department to conduct investigations and inspections as it deems necessary to assess compliance with the act (sec. 8). A licensee under the act is required to make available to the department all books, records, policies, procedures, or any other materials requested during the course of an investigation or inspection.

An in-home personal care services agency must investigate complaints made by a client, the client's family, or the personal representative regarding in-home personal care services that are or are not furnished or regarding lack of respect for client's property by an in-home personal care services worker on behalf of the personal care services agency. The agency must document the existence of the complaint and the resolution of the complaint (sec. 9).

The bill provides for the discipline of licenses by the department (sec. 10). Notice of the alleged violation and the agency's right to a hearing must be served on the agency by the department. The agency is required to file with the department a written plan of correction within thirty days after receipt of the notice, which is subject to approval by the department.

An in-home personal care services agency may appeal decisions of the department in accordance with the Administrative Procedure Act (sec. 11).

Grounds for disciplinary action against a license are provided (sec. 12).

A licensed in-home personal care services agency must perform or cause to be performed a criminal history record information check and driving record check of each in-home personal care services worker and maintain documentation of such checks in its records. A licensed agency is required to provide certain information to its clients (sec. 13).

**Explanation of amendments, if any:**

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**Senator Joel Johnson, Chairperson**